



Atty. Docket No.: 1763 1120

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GP/1644
✓ 10/11

Application of: Faustman and Hayashi
Serial No.: 09/258,682
Filed: February 26, 1999
Entitled: Methods for Diagnosing and
Treating Autoimmune Disease

Examiner: Nolan, P
Group Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that the papers attached hereto are being deposited with the United States Postal Service using Express Mail to Addressee service, **Express Mail No. EL591998548US** on this date, January 2001, postage prepaid under 37 C.F.R. Section 1.10 in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

Kathleen M. Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

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Assistant Commissioner for Patents
Washington, D.C. 20231

JAN 12 2001

TRANSMITTAL LETTER**TECH CENTER 1600/2900**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Notice of Change of Mailing Address;
2. Response to Office Action mailed July 31, 2000;
3. Petition for Extension of Time;
4. Check in the amount of \$945.00 for the requisite fee; and
5. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 17633/1120.
A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: 1/5/01

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Date of Deposit: January 5, 2000

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Application of: Faustman and Hayashi

U.S. Serial No.: 09/258,682

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the restriction requirement mailed July 31, 2000 Applicants elect Group VII (claims 41-48), with traverse. Please cancel non-elected claims 1-40 and 65. Applicants have not canceled non-elected claims 49-64 pending the request for reconsideration of the grouping of these claims, as follows.

Request for Reconsideration of Claim Groups as to Groups VII, VIII and IX.

Applicants request that the Examiner reconsider the grouping of claims in groups VII, VIII and IX because Applicants believe that the grouping of claims in the restriction requirement is incorrect as to groups VII (claims 41-48) and VIII (claims 49-56). Furthermore, applicants believe that the restriction requirement is in error as to separating Group IX (claims 57-64) from Group VII.

Group VII claims relate to a method of treating autoimmune disease by restoring Nfkb activity and group VIII claims relate to a method of treating autoimmune disease by restoring lymphocyte function. It is submitted that restoring Nfkb activity results in restoring lymphocyte function, as Nfkb activity is required for lymphocyte function. Thus, Group VII and group VIII claims are sufficiently closely related such that it would not present an undue burden upon the examiner to search these groups together.


In addition, the office action states that Group IX also relates to restoring lymphocyte maturation. This is incorrect, as Group IX relates to a method of treating autoimmune disease

resulting from a reduction in Nfkb activity. Certainly, a single search relating to Nfkb activity would identify art relevant to Groups VII and IX, and the addition of another term to that search (lymphocyte) would identify art relevant to Group VIII.

It is therefore submitted that Groups VII, VIII and IX claims fall together, and can be prosecuted in a single patent application without unduly burdening the Examiner.

Date:

4/5/01



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